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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:21-cv-04184-JSW

KARL POLANO, et al

DEFENDANTS

SECOND MOTION FOR PRELIMINARY INJUNCTION

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Second Motion for Preliminary Injunction in the above-styled action.

1. On August 28, 2021, I issued a DMCA Takedown Notice against Polano's twitch channel, found at twitch.tv/sofiannp. On August 31, 2021, I received notice of his DMCA Counter-Notification in regards to that takedown. To prevent the infringing stream from being automatically reinstated, I was forced to file a Motion for Leave to File a Second Amended Complaint. Once I filed that motion, Twitch agreed not to reinstate the video.
2. If left to his own devices, it is clear that Polano will continue to post infringing content, and whenever I issue a takedown against the infringement, he will provide a counter-notification. This means that, to prevent the content from being reinstated, I will have to either file an entirely new lawsuit (which will result in extra unnecessary legal costs, as well as piecemeal litigation) or a new amended complaint (which will stay the resolution of this case). If he keeps doing this over and over again, we may have to stay the case indefinitely.

3. Furthermore, Polano has begun recruiting other people to assist him in spreading his malicious doxxing and copyright infringement. I have been forced to file a new lawsuit in this court listing two new individual defendants, Emily Rebolo and Trysten Burger. I am filing a motion in this case to merge the two cases together, since they are all acting with one objective: To harass me, dox me, sabotage my career as a Youtube content creator and Twitch streamer, and generally just inflict suffering upon me for its own sake.

4. It is clear that, if left to their own devices, new people will be recruited in their war against me, forcing me to issue DMCA takedowns against them, which in turn means they will either issue DMCA Counter-Notifications – requiring me to add them to this case, thus delaying the case even further – or Youtube will refuse to take the content down, thus losing their safe harbor, meaning they are liable for the infringement themselves, meaning I must amend the complaint to include these infringements, thus delaying the case even further.

5. The only way to keep this case from being delayed in perpetuity is if the malicious infringement stopped for the duration of the case.

6. In a previous motion for preliminary injunction (Doc. 57), the Court denied the motion without prejudice on the grounds that the parties who would be effected by the motion have not appeared in the case yet (see Doc. 88). However, at this point, it is clear that, even if Polano is ordered to stop filing DMCA Counter-Notifications, that won't stop the case from being delayed in perpetuity through continuous amendments. With the addition of Rebolo and Burger, it is clear that new parties will still attempt to post their “revenge videos” against me.

7. In order to prevent new defendants and/or new infringements from being added to (and therefore delaying) the case in perpetuity, it is clear now that there is only one way out: The

corporate defendants, not the individual ones, must have preliminary injunctions issued against them.

8. For this reason, I ask that Alphabet, Inc., Discord Inc., Amazon.com Inc., and all of their subsidiaries (including Youtube LLC and Twitch Interactive, Inc.) be preliminarily ordered ...

- (a) to not accept any DMCA Counter-Notifications from any of their users if ...
 - i. it is issued by me, and
 - ii. it is reasonably calculated that the infringing material constitutes “revenge videos” designed to “teach me a lesson” for “abusing” the DMCA and filing this “frivolous” lawsuit against Polano, Allison, and Mateas.
- (b) to not refuse to process any DMCA Takedowns I issue, even if they would otherwise be willing to lose their safe harbor and risk liability for infringement. The corporate defendants should be required to take the content down within 24 hours of being notified by me of its existence.

9. This second part of the preliminary injunction is necessary in order to prevent new counts of infringement from being introduced into the case, since even that would require an amended complaint and therefore delay in the case.

10. Since the corporate defendants are all here, there is no need for the court to delay a ruling on this motion.

11. Please find, attached to this Motion, the following:

- (a) A copy of the Second Amended Complaint (which is the current operative complaint until one or more of my Motions for Leave to File Amended Complaint are granted), as required by Civil Local Rule 65-1(a)(1).

- (b) A memorandum of points and authorities in support of the motion, as required by Civil Local Rule 56-1(a)(2),
- (c) A proposed order, as required by Civil Local Rule 65-1(a)(3),
- (d) **Exhibits A**, a report, which I submitted to the corporate defendants in November 2021, outlining in great detail everything the individual defendants have done, and how they have made no effort to hide the fact that their actions are motivated by nothing more than a desire to inflict suffering upon me for its own sake. There is not even the pretense of a legitimate motive. Just pure hatred, pure malice, pure spite.
- (e) **Exhibit B**, a list of sub-exhibits which I had attached to that report in order to prove the harassment, doxxing, and dogpiling that was being perpetrated against me.
- (f) **Exhibit C**, a new zip file containing the sub-exhibits mentioned in Exhibit A. I have since deleted that zip file, so the old link will no longer work. I have therefore reuploaded the zip file. Exhibit C provides the link to that new zip file.
- (g) **Exhibit D**, a copy of the "Acerthorn Pinata Bashing" thread as of December 20, 2022, showing that Polano has indeed spread exceptionally heinous and exceptionally private information about me in that thread out of pure malice and spite.
- (h) **Exhibit E**, video proof showing that Emily Rebolo - under her Discord name "FreaK#9888," has actively participated in that thread and has engaged in the harassment, doxxing, and dogpiling herself, thereby giving her the same unclean hands that Polano has acted with.
- (i) **Exhibit F**, video proof showing that Trysten Burger - under his Discord name "Echo Wilder#3739" - has actively participated in that thread and has engaged in the harassment,

doxxing, and dogpiling himself, thereby giving him the same unclean hands that Polano has acted with.

(j) **Exhibit G**, a video showing the tweets of a Youtuber who goes by the alias "SidAlpha," where he publicly corresponds with Polano and publicly announces his intent to make his own revenge video on Youtube. SidAlha's Youtube channel can be found by going to the URL of www.youtube.com/c/sidalha. There, you can see that he has over 118,000 subscribers, so if he publishes a revenge video about me, it will spread like wildfire, causing devastating (perhaps even irreversible) damage to my reputation.

12. Wherefore, premises considered, I respectfully ask that the corporate defendants be ordered to quickly take down any content which I notify them as infringing on my copyright (regardless of whether they wish to keep their safe harbor or not) and refuse to entertain any DMCA Counter-Notifications, for the remainder of this case's duration.

So requested on this, the 29th day of January, 2022.

/s/ David Stebbins
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